

1. Claim Rejections under 35 USC § 101

Examiner correctly points out that claims 1, 10 and 16 recite “System and Method”, yet do not include hardware elements necessary for a complete claim structure. We have amended these claims per examiners comments to include hardware elements for the claims.

2. Claim 1-16 Rejections under 35 USC § 102

Examiner declares that claims 1-16 are disclosed in Hatlelid et al, US 6,522,333, hereafter referred to as Hatlelid. The issue is the definition of emotive vectors as emotive content. Examiner is broadly interpreting Hatlelid’s use of mood, personality and behavior emotive content, as the same as or equivalent emotive content to emotive vectors or emovectors. This is contrary to the rules of word usage under MPEP 2111.01 Plain Meaning [R-5].

“The words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).“

The specification defines the emotive content as emotive vectors, page 20, “emotive vector is normalized to the author, which is comprised of an emotive state and an associated emotive intensity selected by or from the perspective of the author’s emotive state and range of emotive intensity.” The specification definition is therefore determinative in the claim language.

Emotive state is defined in the field by those skilled in the art, see Hinton reference “**Generating and Manipulating Emotional Synthetic Speech on a Personal Computer**” pg 108, and copy enclosed;

“voices may be heard to contain personalities, moods, and emotions. Personality was defined by Brown et al, as the ‘characteristic emotional tone of a person over time’. A mood may be considered to be a maintained attitude; whereas an emotion is a more sudden and more subtle response to a particular stimulus, lasting for seconds or minutes. The personality of a voice may therefore be regarded as its largest effect, and an emotion it’s smallest.”

Thus, Hatlelid uses moods, personalities and behavior, ie emotive contents “largest effect”, for the purposes of improving an electronic interface through animation graphics representative of behavior indicative of moods and personalities. The level of granularity of the emotive content in moods, personality and behavior is directed to visual and audio expression. In distinction, the present invention discloses and claims emotions, emotive content’s “smallest effect”, for processing and transmission in electronic communications, not interface graphics or display animation, but for transmission and processing of the emotive information with text in alternate advantageous ways.

Moreover, Hatlelid discloses language containing “intensity”, as a user parameter for controlling the animation of graphical representations of moods and personalities. Thus the plain

meaning and use of the word “intensity” in Hatlelid further defines this word as a user graphic interface parameters used to control the animation speed of the mood or personality graphics. Thus the use of the word “intensity” and its definition in Hatlelid are not characterizing the actual mood or personality of the user, but are a user selected numerical parameter which is associated with the degree or speed of an animation. This distinction is further revealed, as the Hatlelid use of the intensity parameter burdens the receiver with interpretation of the actual users mood or personality through the graphical animation speed based on this numerical parameter. The use of the word “intensity” in Hatelide is not an author disclosed normalized mood/personality or author selected mood/intensity intensity, but a graphic animation speed. In this light, MPEP 2111.01 Plain Meaning [R-5] states:

"The ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, *415 F.3d 1303, 1313<, 75 USPQ2d 1321>, 1326< (Fed. Cir. 2005) (*en banc*). *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003)("In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art.").

Hatelide’s use, definition and meaning of the word “intensity” is not the same use, definition and meaning of the same word in the present invention to one skilled in the art.

Thus, in claim 1 and 16, as shown in the Henton reference definitions above, one skilled in the art would not interpret the language for personality type or mood or intensity relating to those words, as used in Hatlelide, to be the same as emotive state and author normalized intensity as used in the specification. They have distinctly different meanings to one skilled in the art. The language in the specification is very narrow and precise, as necessary for the present invention, and the usage of emotive content language in Hatelide is distinguished by meaning, use and definition to one skilled in the art. The terms and word definitions are all covered in even greater detail in previous responses, and we point this out here again by reference to literature in the field to the emotive content language and term usage in the field of the invention. A copy of the Henton reference is included in this response. Again, “facial movement”, “moods”, “personality types”, “behavior”, and “gestures” are not words used in the specification, nor are the needed for the emotive content used. With all due respect, the examiner is bestowing the above words novel meaning, adding and extending their meaning beyond their known and accepted field definitions, simply because they are another type of emotive content.

Another way to reach this understanding is to examine the inventions from and equivalence doctrine approach. First, the invention purposes are different; Hatelide’s purpose is visual display of behaviors indicative of personality and mood, distinctly different from the present invention, which discloses emotive states with associated normalized intensity, for purposes of transmission and processing in electronic communications. Second, the results are different; Hatelide discloses an interface using display of emotive content representative of behavior for graphic animations, distinguished from electronic transmission and processing of emotive state and associated normalized intensity with text. And third, the subject matter and elements of both invention claims are vastly different from each other in emotive content, Hatlelid graphically depicts and displays behavior through animation, and the present invention codes, transmits, decodes, parses and processes text with emovector embedded streams, decoupling the emovector from natural language for a decoupled processing of transmitted communication.

Regarding the remaining claims 2-9 and 11-15, with all due respect, the dependent claims are distinct by their dependence on unique independent claims. In addition, each dependent claim is also distinct from Hatelide by each of its own elements.

Regarding claim 2, Examiner declares that Hatelide's "predefined categories to be for natural processing of text" discloses encoding of emotive content into standard computing device communication formats. Hatelide does not mention encoding or an encoding scheme or encoding function of any type. Predefined categories from groups of NLP tokens associated with behavioral character and linked to graphical animation parameters do not describe an encoding scheme or function. Tokenization of text streams by NLPs has been in existence for over 30 years. Encoding of emovectors, emotive states with their author normalized intensities, into text streams has not been and is not currently done. Links between predefined token groups in NLP tokenized stream as disclosed in Hatelide can be made in many ways, and conforming to standard text format. This is distinct from emovectors encoding schemes used in standard text stream formats.

Regarding claim 3, examiner declares that Hatelides "personality selection will generate behavioral movements which are dynamic and energetic" discloses encoding. Screen object selection has no direct nexus to encoding emotive state or normalized emotive intensity. User selection to generate any graphical movement can be done in many ways, and no programmatic or software encoding functions are mentioned in Hatelide. Since emovector encoding is not necessitated in Hatelide, there is no motivation to add this function. In distinction, the present invention is specific and demonstrative of the encoding function in text streams.

Regarding claim 4, examiner declares that Hatelides "gestures are provided to allow user to emphasize text or emotions by having visual representation animated " implies decoding of some type is used. However, no decoding function is mentioned in Hatelide, and the animation of graphics can be done without decoding of emovectors, by those skilled in the art. Thus there is no motivation to necessitate its use in Hatelide.

Regarding claim 5, examiner declares that Hatelides "selected behavioral characteristics to convey an emotional context of the utterance to be interpreted by recipient" discloses tokenizing emotive content synthesizing author's intended meaning. The selection of behavioral characteristics clearly shows that it is not a selection of an author's emotive state/intensity, but a selection of behavioral characteristic representation useful for animation of a graphic. The authors intended meaning is to control the degree and speed of movement, synchronization and of graphic animation representing behavior. Any tokenization in Hatelide is therefore not emotive state and associated intensity, but animation control to depict behavior.

Regarding claim 6, examiner declares that Hatelides " communicates to the recipient through the behavioral movements of the visual representation.." discloses tokenizing associated text and tokenized emotive content synthesizing author's intended meaning of the text. Hatelide explains the problem he is solving on col 7, line 7+, "In conventional systems, text to be communicated is transmitted without any behavioral information to provide context ... and the communication is stripped of valuable behavioral information" Therefore, Hatelide provides behavioral information with text, not emovectors, with text. But Hatelide's problem is solved. The present invention does not address the behavioral context problem. In distinction, the author's direct feeling introspected emotional state and associated normalized intensity is filtered out of text communication as well, and the present invention addresses that deficiency by embedding direct author emovector information with the associated text, devoid of any

behavioral context information, into the communication stream. Furthermore, Hatelide solves his behavioral context problem by visual display of behavioral animations. In distinction, the present invention solves the emotive context problem through facilitation of direct author emotive vector coupling with text in communication streams without any behavioral information. Thus author intended meaning and tokenized emotive content are drastically different in the two inventions, and therefore necessarily processed differently.

Regarding claim 7, examiner declares that Hatelides “text communicated by the sender is analyzed for its content and behavior movements associated with the content selected, also responsive to the user’s selected behavioral characteristics” indicates a mapping of emotive intensity numerical value into one or more word text describing the emotive intensity value in express language. We respectfully disagree, in Hatelide, text communicated by sender is analyzed for its content responsive to behavioral characteristics which would have numerical values which are used to set the speed of animations and display graphics. Thus the numerical values extracted from the text for behavioral graphic animations are completely different from the numerical values mapped from text tokens matching pre-selected emotive intensity quantifying words in the present invention. Moreover, numerical values for differing parameters are distinct even if the numerical values are identical. Hatelide numerical values extracted from text for behavioral dynamics are clearly not the same as numerical values mapped from a pre-set table of words commonly used to qualify emotions. Emotions or feelings in and of themselves are separate and different from behavior, and therefore numerical parameters representing their values are distinct.. Hence there representations must be different, and their models and representation have completely different form, type, and structure.

Regarding claim 8, examiner declares that Hatelide discloses scanning and tokenizing of the embedded content in the communication. We respectfully disagree, as scanning and tokenizing is not mentioned in the text cited, col 8 lines 23-67. On the contrary, the text cited discloses that the “behavioral movement information”, not even emotive information, is “transmitted .. as part of a choreography sequence .. specifying timing and order of the movements to be performed”. In distinction, emovectors require no choreography sequence, no timing and no relation to movements to be performed. Scanning and tokenizing, while those processes can be used in almost any data stream processing, is not necessary for Hatelide, as all that is stated can be done by other means provides no motivation, and no implication is made by Hatelide as to how the behavioral content stream is processed and no motivation to do so necessitated or shown to one skilled in the art.

Regarding claim 9, examiner declares that Hatelides discloses parsing communications for emotive content using grammar productions to tokenize the emotive content in textual communications (col 9, line 21-54). We respectfully disagree, as we can find no mention of grammar productions in that cite. The cited text makes reference to behavioral movements simulating the speaking of written text, synchronization between text display and the facial speaking movements, synchronization between sound or audio clips and display movements. Sounds can convey many things, including manifestations of emotions. However, sounds and audio clips are not emotive states with normalized intensities, and are used in Hatelide as accompanying behavior display animations for a multimedia affect, not author defined emotive states and accompanying normalized intensity. We did not find any reference to parsing communications of emotions with grammar productions. In fact, col 9 line 61 declares, “Parsing is accomplished using a conventional parsing methodology as is known to those of ordinary skill in the art” and the meaning there is text parsing only in the “conventional” way. In distinction, the present invention discloses a novel emotive parser/compiler, one in which the grammar productions decouple the emovectors from the natural language text tokens, so the they can be

processed independently on separate stages and levels from the text tokens, and also with relation to the text tokens where advantageous. Emotive compilers are “not conventional parsing technology known to those of ordinary skill in the art” and are claimed in the present invention.

Regarding claim 10, examiner declares that Hatelides discloses encoding emotive vectors comprising emotive state and associated intensity normalized to the author. The examiners derives this from Hatelides “to select a personality type for visual representation and receives mood intensity command he selects a mood intensity ...” Again, with all due respect, Hatelide is disclosing behavioral movements, moods, personality, gestures, etc. These are emotive content once removed in meaning and definition to one of ordinary skill in the art. One skilled in the art will not confuse these with author selected emotive states and normalized intensities which do not require behavioral manifestations for their transmission, encoding, decoding, parsing and processing, unlike all of the teachings in Hatelid which do. Emovectors are simple data structures or data entities, which contain very specific author feelings information. In distinction, the Hatelide data entities are large, requiring many attributes for many of the display function requirements. Hatelide does not contain an emovector, and an emovector cannot be derived from a Hatelide data entity as the attributes or fields do not contain similar fields

Regarding claim 11, examiner declares that Hatelides discloses structuring and synthesizing emotive parsers with productions exploiting emotive vectors encoded in textual datastreams (col 10, line 5-59). With all due respect, we could find no mention of emotive parsers, emotive vectors in textual datastreams or encoding functions or structures in the given cite. Graphic depictions of faces, body parts, behavior, movement, male or female visual representations, gestures, etc, are not emotions, emotive states or emovectors. These are defined in the literature, as shown above and that language must be followed. One of ordinary skilled in the art must use the language as defined by the field and used in the specification. Hatelide addresses another type of emotive content, using different methods, for a different purpose and a distinctly different result.

Regarding claims 12-15, our response is similar to the above arguments. The ordinary and customary meaning to be given to emotive content and emovectors is defined in the literature, referenced and recited above, given in previous responses and defined in the specification as distinct from the prior art.